Ninth Conference of the High Contracting Parties to Protocol V on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

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Item 10 of the provisional agenda
Consideration of matters pertaining to national implementation of the Protocol, including national reporting or updating on an annual basis

Report on national reporting

Submitted by the Coordinator[1] on national reporting

Introduction

1. The submission of national annual reports continues to serve as the central transparency mechanism under Protocol V. In support of this mechanism, at the Eighth Conference, High Contracting Parties agreed:

(a) All High Contracting Parties and observer States are called on to submit national annual reports and in preparing those reports are encouraged to use the Protocol V Guide to National Reporting.

(b) To merge Forms E and F of the National Reporting Form and for the Coordinator with the support of the CCW Implementation Support Unit to encourage High Contracting Parties to utilise the new form on cooperation and assistance.

(c) The Coordinator with the support of the CCW Implementation Support Unit to ensure that the Guide to National Reporting reflects the recent changes made to the National Reporting Form.

(d) For the Coordinator with the support of the CCW Implementation Support Unit to follow-up with those High Contracting Parties that have not yet reported and to examine the reporting under Form C on Article 5 – other precautions for the protection of the civilian population, individual civilians and civilian objects from the risks and effects of explosive remnants of war (ERW).

[1] In accordance with the decision of the Eighth Conference of the High Contracting Parties to Protocol V on Explosive Remnants of War, as contained in paragraph 38(d) of its Final Document (CCW/P.V/CONF/2014/10), the discussions on national reporting were led by Mr. Lode Dewaegheneire, Major Aviateur, of Belgium as Coordinator.

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Rate of national reporting

2. By 24 July 2015, 45 High Contracting Parties submitted National Reports, which represents a reporting rate of 52 percent. This is a decrease from a reporting rate of 65% in 2013. After years of increasing reporting rates, the Protocol faces a decrease.

3. Realizing that national reporting can place a heavy burden on certain States, the Coordinator and CCW Implementation Support Unit offer assistance to those High Contracting Parties encountering difficulties in submitting their yearly report. An informal information session was organized during the Meeting of Experts to explain the reporting process and how to use utilize the reporting forms and the Protocol V Guide on National Reporting. The informal session targeted those States Parties that have never submitted a report or that had recently joined Protocol V. It was also an opportunity for High Contracting Parties that wished to improve the quality of their reporting to discuss the specific requirements of the reporting forms.

Merging forms E and F of the National Reporting Form

4. At the Eighth Conference of High Contracting Parties decided to merge Forms E and F into a new Form E. This merging was inspired by the fact that there was considerable overlap in the information submitted in these two forms.

5. The Coordinator wrote to all High Contracting Parties to encourage them to use this new form and welcomed the use already made by some States. The Coordinator also used this opportunity to encourage High Contracting Parties that had not yet reported to do so.

Assessment of reporting on Article 5 (Form C)

6. The CCW Implementation Support Unit assessed the reporting by High Contracting Parties under Form C, which covers Article 5 – Other precautions for the protection of the civilian population, individual civilians and civilian objects from the risks and effects of Explosive Remnants of War.

7. Article 5 of Protocol V states that High Contracting Parties and parties to an armed conflict "shall take all feasible precautions in the territory under their control affected by ERW" in order to protect the civilian population and civilian objects from the risks and effects of ERW. The measures set out in Article 5 are important for preventing civilian casualties and injuries. These include warnings; risk education; and marking, fencing and monitoring of contaminated areas.

8. Thirty-eight High Contracting Parties have reported under Form C. From the reporting the following observations can be made:

(a) Affected High Contracting Parties which reported under Form C were Albania, Belarus, Bosnia and Herzegovina, China, Croatia, Ecuador, Georgia, Guatemala, Hungary, Laos People's Democratic Republic, Lithuania, Peru, Russian Federation, Saudi Arabia, Senegal, Slovakia and Ukraine. Some of these States do not have serious contamination from ERW, but are aware that explosive remnants from World War II are occasionally discovered. In response to this problem, they have information available and procedures for the public to follow, which is a very pragmatic approach and one that should be encouraged.

(b) The second group of High Contracting Parties reporting under Form C were those involved in military or peacekeeping operations where they are have used warnings and carried out education programmes. This group included Austria, Argentina, Australia,

Belgium, Brazil, Bulgaria, Canada, Denmark, Finland, Germany, Ireland, Italy, Netherlands, Norway, Pakistan, Poland, Portugal, Romania, Spain, Sweden and United States of America. This group also includes States that carry out training exercises on their own territories and these areas are clearly marked and fenced. Two such States are Austria and Brazil.

(c) A third group which included India, Pakistan and Romania stated that if they were involved in an armed conflict then they would carry out measures in compliance with Article 5. This state of readiness, in other words having thought through how a military would comply with Protocol V before finding itself engaged in a conflict, is an approach that should also be encouraged.

Proposed amendment to the Protocol V Guide to National Reporting

9. States Parties agreed last year to amend the national reporting template and the new template is available on the CCW Protocol V website. At the Eighth Conference it was also agreed that the Coordinator with the support of the CCW Implementation Support Unit would ensure that the Guide to National Reporting reflects the recent changes made to the National Reporting Form. Specifically in 2012 States Parties agreed to a new reporting form on victim assistance. That form was originally in Form F(a), but with the agreement last year to merge Forms E and F, the reporting on victim assistance is now located in Form E(a). The non-paper titled 'Update of the Protocol V Guide on National Reporting' was first presented last year during the Eighth Conference and discussed during the Meeting of Experts. Guidance has been provided on all issues outlined in Form E(a). The guidance is in no way mandatory and is simply to assist States with completing the form. The proposed guidance for reporting on victim assistance takes a pragmatic approach to the commitments set out in Article 8(2) of Protocol V. Therefore, it is proposed that the guidance on reporting on victim assistance, as set out in annex I, be included in the Protocol V Guide on National Reporting.

Recommendations

10. The Ninth Conference of the Protocol V High Contracting Parties may wish to take the following decisions:

(a) All High Contracting Parties and observer States are called on to submit national annual reports and in preparing those reports are encouraged to use the Protocol V Guide to National Reporting.

(b) The Protocol V Guide on National Reporting to be amended to include the guidance set out in annex I on reporting under Article 8(2) and the Protocol V Plan of Action on Victim Assistance.

(c) The Coordinator with the support of the CCW Implementation Support Unit to examine the reporting under all of the Forms of the National Reporting Form. The examination may serve as a contribution to the Tenth Conference of High Contracting Parties to Protocol V and the Fifth CCW Review Conference.

Annex I

Update of the Protocol V Guide on National Reporting

Introduction

1. In 2012 High Contracting Parties agreed to amend the national reporting template to include Form F(a) on victim assistance. In 2013 High Contracting Parties mandated the Coordinator on National Reporting with the support of the Implementation Support Unit to "ensure that the Guide to National Reporting reflects the recent changes to date made to the National Reporting Form..."[1] Set out below is guidance that High Contracting Parties may wish to draw upon when reporting under Form F(a). It should be emphasized that he Guide to National Reporting is a tool to assist High Contracting Parties with their reporting and does not purport to be mandatory. The guidance focuses on Article 8(2) of Protocol V and the Protocol V Plan of Action on Victim Assistance as those are the two documents referenced in Form F(a).

2. Article 8(2) of Protocol V calls on High Contracting Parties in a position to do so to "provide assistance for the care and rehabilitation and social and economic reintegration of victims of explosive remnants of war". The reporting under Form F(a) provides an opportunity for affected countries to identify gaps and issues where they cannot provide the necessary support to victims and require international assistance.

Proposed amendment to the Protocol V Guide to National Reporting

International cooperation and assistance for victim assistance

3. For donor countries: does your country support international cooperation and assistance activities relating to victim assistance? If so, in which areas of victim assistance? What type of projects? What is the level of funding and the funding requirements?

4. For affected countries: Does your country receive international support to address explosive remnants of war? If so, is any of the support allocated to victim assistance?

Data on victims

5. Are there victims of explosive remnants of war under your country's jurisdiction or control? Does your country have any data on victims or persons with disabilities? If "Yes", then which ministry or institution is responsible for collecting such data? How does this data relate to the overall population?

Medical assistance

6. What medical care, rehabilitation, psychological support services are available for treating injuries such as those caused by ERW? According to the severity of impairment of the victims, do different levels of facilities exist? For example, in-patient versus out-patient care?

[1] Paragraph 33(d), CCW/PV/CONF/2013/11.

7. Is emergency and ongoing medical care, including hospitals that can treat ERW related injuries, available? Is emergency transportation available? How are these services made available to victims?

8. Are prosthetic/orthotic services available, accessible and affordable for ERW victims? How are these services made available to ERW victims and for how long?

9. Are rehabilitation services available, accessible and affordable to victims of ERW? Are rehabilitation services provided based on an individual needs assessment?

Social and economic reintegration

10. What measures are in place to support the social and economic inclusion of victims? For example, can victims access formal education? What programs exist for income generation, including employment, micro-enterprise support, affirmative action programmes, vocations trainings for victims and persons with disabilities?

11. What incentives are provided by your country to increase employment of victims and persons with disabilities? These may include quotas, tax incentives and government employment of victims and persons with disabilities.

Laws and policies

12. Is there a national plan on persons with disabilities? If so, how is the work on victim assistance incorporated into your Government's national plan on persons with disabilities? And into the Government's overall development framework? How is the progress of victims tracked within these different frameworks?

13. Is there a comprehensive law to protect and promote the rights of persons with disabilities? If not, what laws exist that address the rights of persons with disabilities, including victims? If possible, please attach of the relevant legislation.

14. How is coordination persons with disabilities, including victims, among the ministries, institutions and other relevant stakeholders carried out? Is there a national budget to support the work on victim assistance?

Focal point and inclusion

15. Is there a focal point within your Government on victim assistance? If so, please provide the contact details of the focal point and the ministry or institution.

16. What opportunities are there for victims to contribute and be actively involved in the Government's plans and policies that will impact on them? If applicable, list the projects underway to integrate victims into the planning and policy process. What is the contribution of victims to such work?

Annex II

[English only]